

Entered - 11/24/09 - sb  
CL- 09L0902 - Angelena Kelly

Claim of: Antonio Chapman, a minor  
By his guardian Rana Miller  
Through her attorney Felicia Rowe  
747 Lauren Parkway  
Stone Mountain, GA 30083

For damages alleged to have been sustained as a result of  
an assault on August 24, 2009 at Woodson Elementary  
School, 1605 Donald Lee Hollowell Parkway.

THIS ADVERSED REPORT IS APPROVED

BY:

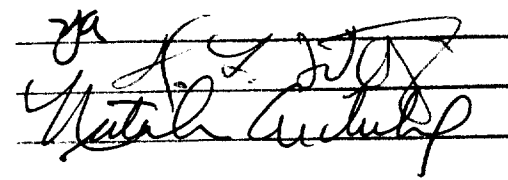
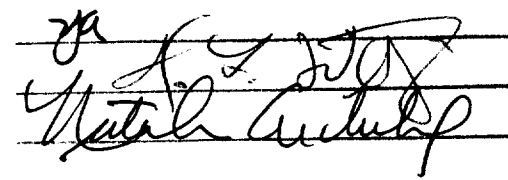
  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/26/10

CHAIR: 

FEB 01 2010

ADVISED BY  
COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

**RHONDA DAUPHIN JOHNSON**  
MUNICIPAL CLERK

February 9, 2010

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

Ms. Felicia Rowe, Esquire  
747 Lauren Parkway  
Stone Mountain Georgia 30083

**10-R-0186**

**RE:** Rana Miller, guardian for Antonio  
Chapman, a minor

Dear Ms. Rowe

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 09L0902

Date: December 30, 2009

Claimant /Victim: Antonio Chapman, a minor by his guardian Rana Miller  
BY:(Atty)(Ins. Co.) Felicia Rowe  
Address: 747 Lauren Parkway, Stone Mountain, GA 30083  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 80,000.00  
Date of Notice: 11/6/09 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence: 8/24/09 Place: 1605 Donald Lee Hollowell Parkway  
Department:        Bureau:        Office:         
Employee involved:        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges that her child, Antonio Chapman, was assaulted by a substitute teacher at Woodson Elementary School. The investigation determined that the location where the claimant was injured is owned by the Atlanta Public School System which is a separate legal entity from the City of Atlanta. The claimant has been advised to pursue this claim with the Atlanta Public School System.

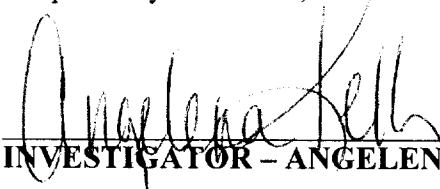
**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

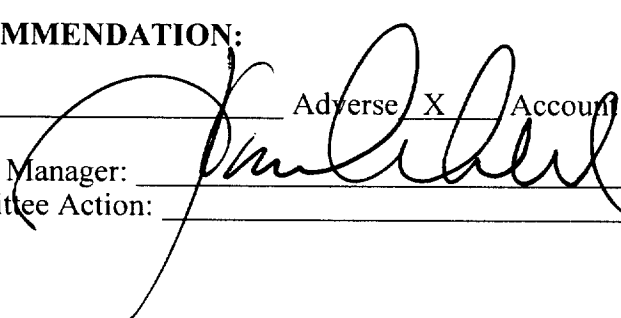
**BASIS OF RECOMMENDATION:**

Function: Governmental        Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        X Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - ANGELENA KELLY

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: General Fund        Water & Sewer        Aviation         
Claims Manager:  Concur/date 01/12/10  
Committee Action:        Council Action

**ROWE & ROWE, LLC**

Attorneys at Law

747 Lauren Parkway  
Stone Mountain, GA 30083  
rowenrowe@yahoo.com

Anton L. Rowe, Esq.  
Felicia P. Rowe, Esq.

Telephone (404) 508-1118  
Fax (404) 508-2343

October 23, 2009

The Honorable Shirley Franklin  
Mayor  
City of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

ENTERED - 11-24-09 - SB  
09L0902 - A. KELLY

&

Atlanta City Council  
55 Trinity Avenue, S.W.  
Suite 2900  
Atlanta, GA 30303-3584

&

Dr. Beverly L. Hall  
Atlanta Public Schools Superintendent  
130 Trinity Ave. SW  
Atlanta, GA 30303

&

Dr. Viola Belinda Blackshear  
Principal of Woodson Elementary School  
1605 Donald Lee Hollowell Parkway  
Atlanta, GA 30318

**ANTE LITEM NOTICE**

Dear Ms. Blackshear,

I am an attorney and I represent the interest of Ms. Rana Miller, on behalf of her minor child, to wit: Antonio Chapman, date of birth, April 8, 2001. Antonio Chapman is enrolled as a student at Woodson Elementary School. Pursuant to **O.C.G.A. Section 36-33-5**, you are hereby notified that on or about August 24, 2009, Antonio Chapman was physically assaulted by a substitute teacher named Doris Grissom. As a result of the physical assault by the substitute teacher, Ms. Miller's minor child suffered a broken arm.

*Kelly*  
*11/13/09*  
2009 NOV - 2 PM 4:32  
RECEIVED  
OFFICE OF  
MUNICIPAL CLERK

It is my understanding that your substitute teacher, Ms. Doris Grissom has already admitted striking the child in an effort to discipline the minor child. As a result of the physical assault, Antonio Chapman's arm was broken. Furthermore, the minor child has been unable to write with his hand. As a result of the negligence and wanton disregard for the health of Antonio Chapman, he suffered a painful and unjustifiable broken arm. The direct and proximate cause of the Antonio Chapman's broken arm, was the City of Atlanta's failure to properly perform their duties without gross negligence.

On August 24, 2009, Antonio Chapman was attending school at Woodson Elementary School. Antonio Chapman was assigned to Ms. Leigh Davis' classroom. On the day of the 24<sup>th</sup> of August, 2009, the child's regular teacher did not appear in school. Instead, a substitute by the name of Doris Grissom taught the class.

During the latter part of school, Ms. Grissom became aggravated with Antonio Chapman. As a result of her aggravation, Ms. Grissom physically grabbed the minor child's arm with such force and anger, the minor child's arm was bruised and broken.

The minor child was not excused from school. Instead, the minor child was forced to endure pain and suffering until school was recessed. At the end of the school day, Antonio Chapman went home. While at home, Antonio Chapman's mother notices that her son's arm looked swollen and bruised. Furthermore, Antonio continued to say, "my arm hurts."

After examining Antonio Chapman's arm, both she and her son went back up to the school immediately to determine what happened to Antonio Chapman's arm. After speaking with the faculty and Ms. Doris Grissom, it was determined that Ms. Grissom admitted to assaulting the minor child.

Antonio Chapman's injury could have and should have been avoided by the faculty and staff at Woodson Elementary School if they had followed very basic rules and policies and procedures.

I have been retained by Rana Miller and on behalf of Antonio Chapman, we seek the total amount of \$80,000.00 for the personal injury of Antonio Chapman.

**Respectfully submitted,**



**Rowe and Rowe, LLC**

**Felicia P. Rowe**

**10- R -0186**

RCS# 42  
2/01/10  
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

|           |             |           |             |
|-----------|-------------|-----------|-------------|
| B Smith   | Y Archibong | Y Moore   | Y Bond      |
| NV Hall   | Y Wan       | Y Martin  | Y Watson    |
| Y Young   | Y Shook     | Y Bottoms | Y Willis    |
| Y Winslow | Y Adrean    | Y Sheperd | NV Mitchell |

CONSENT I

|                                     |                                      |                                      |
|-------------------------------------|--------------------------------------|--------------------------------------|
|                                     |                                      | <b>02-01-10</b>                      |
| <b>ITEMS ADOPTED ON<br/>CONSENT</b> | <b>ITEMS ADVERSED<br/>ON CONSENT</b> | <b>ITEMS ADVERSED<br/>ON CONSENT</b> |
| 1. 10-O-0118                        | 36. 10-R-0182                        |                                      |
| 2. 10-O-0119                        | 37. 10-R-0183                        |                                      |
| 3. 10-O-0120                        | 38. 10-R-0184                        |                                      |
| 4. 10-O-0121                        | 39. 10-R-0185                        |                                      |
| 5. 10-O-0122                        | 40. 10-R-0186                        |                                      |
| 6. 10-O-0123                        | 41. 10-R-0187                        |                                      |
| 7. 10-O-0126                        | 42. 10-R-0188                        |                                      |
| 8. 10-O-0127                        | 43. 10-R-0189                        |                                      |
| 9. 10-O-0128                        | 44. 10-R-0190                        |                                      |
| 10. 10-O-0129                       | 45. 10-R-0191                        |                                      |
| 11. 10-O-0220                       | 46. 10-R-0192                        |                                      |
| 12. 10-O-0221                       | 47. 10-R-0193                        |                                      |
| 13. 10-O-0057                       | 48. 10-R-0194                        |                                      |
| 14. 10-O-0135                       | 49. 10-R-0195                        |                                      |
| 15. 10-R-0134                       | 50. 10-R-0196                        |                                      |
| 16. 10-R-0162                       | 51. 10-R-0197                        |                                      |
| 17. 10-R-0227                       | 52. 10-R-0198                        |                                      |
| 19. 10-R-0164                       | 53. 10-R-0199                        |                                      |
| 20. 10-R-0165                       | 54. 10-R-0200                        |                                      |
| 21. 10-R-0166                       | 55. 10-R-0201                        |                                      |
| 22. 10-R-0169                       | 56. 10-R-0202                        |                                      |
| 23. 10-R-0170                       | 57. 10-R-0203                        |                                      |
| 24. 10-R-0171                       | 58. 10-R-0204                        |                                      |
| 25. 10-R-0222                       | 59. 10-R-0205                        |                                      |
| 26. 10-R-0228                       |                                      |                                      |
| 27. 10-R-0173                       |                                      |                                      |
| 28. 10-R-0174                       |                                      |                                      |
| 29. 10-R-0175                       |                                      |                                      |
| 30. 10-R-0176                       |                                      |                                      |
| 31. 10-R-0177                       |                                      |                                      |
| 32. 10-R-0178                       |                                      |                                      |
| 33. 10-R-0179                       |                                      |                                      |
| 34. 10-R-0180                       |                                      |                                      |
| 35. 10-R-0181                       |                                      |                                      |